

## REMARKS

Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow. Claims 1-2 and 7-17 have been rejected, and the Examiner has objected to Claims 3-6. No claims have been amended. Accordingly, Claims 1-17 remain pending in the present application.

A detailed listing of all claims that are, or were, in the application, irrespective of whether the claims remain under examination in the application, is presented, with an appropriate defined status identifier.

### **Claim Rejections – 35 U.S.C. § 103(a)**

In Section 2 of the Office Action, Claims 1, 7-8, 10-13, and 15-17 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Publication No. 2002/0163524 to Dutta in view of U.S. Patent No. 4,386,345 to Narveson et al.

In Section 3 of the Office Action, Claims 2, 9, and 14 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Dutta in view of Narveson et al. and U.S. Patent No. 5,952,992 to Helms.

Applicants respectfully traverse these rejections. Each of the rejections relies in part on the use of Dutta. However, the Applicants submit that Dutta is unavailable as a prior art reference against Claims 1-17 of the present application.

A Declaration by the inventors pursuant to 37 C.F.R. § 1.131 has been provided herewith, which provides evidence that the subject matter recited in Claims 1-17 was invented prior to the filing date of Dutta. Dutta was filed on December 7, 2000 as U.S. Patent Application No. 09/732,483.

The Declaration establishes that the subject matter recited in Claims 1-17 was conceived at least by December 5, 2000. Attachments to the Declaration include various information that

establishes that the subject matter recited in Claims 1-17 was conceived by the inventors at least by December 5, 2000, which is before the December 7, 2000 filing date of Dutta.

Accordingly, the Applicants submit that Dutta is unavailable as a prior art reference against Claims 1-17 of the present application, and therefore respectfully request that the rejection of Claims 1-2 and 7-17 be withdrawn.

**Allowable Subject Matter and Comment on Statement of Reasons for Allowance**

In Section 5 of the Office Action, Claims 3-6 were objected to as being dependent upon a rejected base claim, but were indicated as being allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

In view of the fact that Dutta is unavailable as a prior art reference against Claims 1-17 of the present application, it is submitted that Claims 3-6 are allowable in their present form. Accordingly, Claims 3-6 have not been amended, and the Applicants respectfully request reconsideration and withdrawal of the objection to Claims 3-6.

It should also be noted that while the Applicants agree that Claims 3-6 recite a combination of subject matter that is patentable over the cited references, the Applicants do not necessarily agree with or acquiesce in the statement of reasons for allowance given by the Examiner. Moreover, the Applicants note that the recited subject matter as well as various other subject matter and/or combinations of subject matter may be patentable for other reasons than those given by the Examiner. The Applicants expressly reserve the right to set forth additional and/or alternative reasons for patentability and/or allowance with the present Application or in any other future proceeding.

\* \* \*

It is submitted that each outstanding objection and rejection to the Application has been overcome, and that the Application is in a condition for allowance. Claims 1-17 will be pending

in this Application. The Applicants request consideration and allowance of all pending Claims 1-17.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 06-1447. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 06-1447. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petition for such extension under 37 C.F.R. § 1.136 and authorizes payment of any such extensions fees to Deposit Account No. 06-1447.

Respectfully submitted,

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